



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,164	07/28/2003	Pantas Sutardja	MP0301	5997

44990 7590 07/21/2005

KENYON & KENYON
333 W. SAN CARLOS STREET
SUITE 600
SAN JOSE, CA 95110-2731

EXAMINER

FABER, ALAN

ART UNIT PAPER NUMBER

2651

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No:

10/629,164

Applicant(s)

SUTARDJA, PANTAS

Examiner

Alan Faber

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
4a) Of the above claim(s) 1-13, 18-27, 31-59 and 64-99 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-17, 28-30 and 60-63 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-99 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The IDS has been considered. Miyatake, Takeda, and Kouda are cited as of interest.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. Claims 1-13,18-27,31-59,64-99 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/28/05.
4. Applicant's election with traverse of claims 14-17,28-30,60-63 in the reply filed on March 28, 2005 is acknowledged. The traversal is on the ground(s) that claims 14,28, and 60 are generic. This is not found persuasive because, although the independent claims may be generic, evidence of the unpatentability of the respective species has not been provided.

The requirement is still deemed proper and is therefore made FINAL.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14-16,28-30,60-62 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,535,067, hereinafter "Rooke".

Rooke shows an apparatus, and associated method, for generating a variable frequency clock signal synchronously writing data to sectors on a rotating disk in a disk storage device, the apparatus comprising a timing device (10,12) for determining the period of time between two adjacent sectors (17), wherein the period of time relates to phase rotation, phase locked loop (Fig. 3), responsive to a reference frequency N_x for providing an output clock signal, and an interpolator 13 for adjusting the output clock signal responsive to the period of time between two adjacent sectors for synchronously wiring data to the rotating disk, wherein time between consecutive sync marks are measured (col. 3, ll18-20, col. 5, ll. 44-49), and providing an average (col. 3, ll. 3-7, col. 6, ll. 3-5).

7. Claims 17 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,706,260, hereinafter "Kishi".

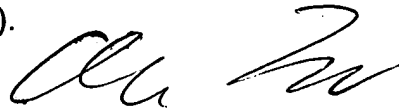
Kishi shows an apparatus comprising as timing apparatus 703, a PLL (Fig. 21), an interpolator (705), a phase detector 703, a LPF 706, a VCO 704, and a divider 705.

Art Unit: 2651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Faber whose telephone number is (571) 272-7553. The examiner can normally be reached on flextime (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Faber
Primary Examiner
Art Unit 2651
